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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/807,312

04/11/2001

Dudley Bryan Crossling

CLN-2

5906

7590

06/07/2004

Ira S Dorman
330 Roberts Street Suite 200
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EXAMINER

BAYAT, ALI

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,312

Applicant(s)

CROSSLING, DUDLEY BRYAN

Examiner

Ali Bayat

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2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisano (U.S. 4,630,225) in view of Hutcheson et al.(U.S. 5,465,308).

In regard to claim 1, Hisano provides for obtaining, a predetermined reproduction ratio, an image by an article (Fig.3 element 15, col.2 lines 47-50); and recording the co-ordinates of identification features present in the image (Fig.3 element 18, col.2 lines 47-50); characterized by calculating the distances between such co-ordinates (col.2 lines 57-63); storing a record of the distances thereby obtained in a database containing a number of similar records (Fig.3 element 20, col.2 lines 57-63); and comparing the distance information of the stored records to identify records likely to have been derived from the same article (col.2 lines 57-63, also col.1 lines 43-50). Hisano does not provide expressly for obtaining, an image from an imprint produced by an article. Hutcheson provides for obtaining, an image from an imprint produced by an article (col.28 lines 18-30, note footprint identification). The prior art of Hisano and Hutcheson are combinable because they are from the same field of endeavor. At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Hutcheson (footprint identification) with the system and

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method of Hisano. Because the invention of Hutcheson provides for particular problems which need solving are the identification of photographs and prints of physical evidence such as footprints, fingerprints, tire prints, voice prints, and the like (col.2 lines 26-28). Therefore, it would have been obvious to combine the prior art of Hisano with Hutcheson to obtain the invention of as specified in claims 1-8.

With regard to claim 2, Hisano provides for a method, which the records are retrieved from the database using search parameters which cover a plurality of defined distance bands (col.3 lines 45-55).

As to claim 3, Hisano provides for a method, which the records are displayed on separate rows of a table with the distances arranged in columns (Fig.5, col.3 lines 14-23).

With regard to claim 4, Hisano provides for a method, which the distances are displayed in numerical order (ascending or descending) Fig.5, col.3 lines 14-23.

In regard to claim 5, Hisano provides for a method, which distances, which fall within the search parameters, are visually distinguished (Fig.'s 4A-4B).

As to claim 6, Hisano provides for a method, which the database includes downloadable images of imprints (col.2 lines 47-53).

With regard to claim 7, Hisano provides for a method, which the database contains the co-ordinates of the identification features from which the distance information is derived (Fig.3 element 20, col.2 lines 57-62).

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In regard to claim 8, Hisano provides for a method, which the database contains a further group of records containing distance information obtained directly from articles (Fig.3 element 20, col.2 lines 57-62).

Other cited References

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent 6,487,306 to Jain et al. is cited for system and method for deriving a string-based representation of a fingerprint image.

US patent 5,631,972 to Ferris et al. is cited for hyperladder fingerprint matcher.

US patent 6,400,853 to Shiiyama is cited for image retrieval apparatus and method.

US 2003/0039381 A1 to Ziesig is cited for method of fast fingerprint search space partitioning and prescreening .

US 2004/0003295 A1 to Elderfield et al. is cited for biometric document authentication system.

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915.


The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat 
Patent examiner
Group Art Unit 2625/26/04


BHAVESH M. MEHTA
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